

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ARCON GC, LLC,

Plaintiff,

VS.

## WESTERN NATIONAL ASSURANCE COMPANY.

Defendant.

Cause No. 2:24-cv-1241

DEFENDANT WESTERN NATIONAL'S  
NOTICE OF REMOVAL

TO: U.S. District Court for the Western District of Washington at Seattle:

PLEASE TAKE NOTICE that Defendant Western National Assurance Company (“Western National”) hereby removes to this Court the action described below.

## I. State Court Action for Removal

1.1 On or about October 12, 2023, plaintiff Arcon GC, LLC (“Plaintiff”) filed a Complaint in King County Superior Court, assigned case number 23-2-19752-6 SEA. A copy of the Complaint is attached hereto as **Exhibit 1**. Plaintiff served the Complaint on the Washington State Insurance Commissioner on October 16, 2023. A copy of the Confirmation of Service for Western National is attached hereto as **Exhibit 2**. On October 18, 2023, the Insurance

Commissioner mailed a copy of the Complaint to Western National's registered agent. A copy of the envelope with the mailing date is attached hereto as **Exhibit 3**.

1.2 On November 9, 2023, Western National filed its first Notice of Removal with this Court. A copy of the Notice of Removal is attached hereto as **Exhibit 4**. On January 11, 2024, this Court remanded this matter back to King County Superior Court without prejudice in order for the case to be severed in that Court. A copy of the Order is attached hereto as **Exhibit 5**. On July 30, 2024, King County Superior Court granted Western National's Motion to Sever the case. A copy of the Order Granting Defendant Western National's Motion to Sever is attached hereto as **Exhibit 6**.

## II. Parties

2.1 In the Complaint, Plaintiff alleges that it is a Washington corporation. According to the Washington Secretary of State's website, Plaintiff is a Washington limited liability company. On information and belief, all Plaintiff's members are citizens of Washington State. On information and belief, Plaintiff's principal place of business is in Washington State.

2.2 Western National is a Minnesota corporation with its principal place of business in Minnesota.

### III. Amount in Controversy

3.1 Paragraph 9.7 of the Complaint alleges \$557,358.49 in damages as a result of Western National's alleged acts.

#### IV. Jurisdiction

4.1 The amount in controversy exceeds \$75,000.00, the minimum jurisdictional amount under 28 U.S.C. § 1332.

4.2 Because Plaintiff is a citizen of Washington and Western National is a citizen of Minnesota, the parties are diverse.

4.3 This Court therefore has jurisdiction over this controversy under 28 U.S.C. § 1332 and 28 U.S.C. § 1441.

## V. Timeliness

5.1 Plaintiff filed its Complaint on October 12, 2023. The Order Granting Defendant Western National’s Motion to Sever was entered on July 30, 2024.

5.2 This Notice of Removal, filed on August 13, 2024, is timely under 28 U.S.C. § 1446(b)(3).

## VI. Copies of Process, Pleadings, and Orders in State Court Proceeding

6.1 In accordance with 28 U.S.C. § 1446(a), Western National will file with this Court copies of all pleadings on file in the state court proceeding.

6.2 Western National will give written notice of the filing of this Notice to Plaintiff through its counsel of record, as required by 28 U.S.C. § 1446(d).

6.3 A copy of this Notice will be filed with the Superior Court of Washington for King County as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Western National provides notice that this action is removed to the U.S. District Court for the Western District of Washington at Seattle pursuant to 28 U.S.C. §§ 1441 and 1446, and that King County Superior Court shall proceed as to Defendant Western National no further in Cause No. 23-2-19752-6 SEA.

1 DATED this 14th day of August, 2024.

2 SOHA & LANG, P.S.

3 s/ Geoffrey C. Bedell

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10 *Attorneys for Defendant Western National  
Assurance Company*

**CERTIFICATE OF SERVICE**

I hereby certify that on August 14, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and emailed notification of such filing to the following counsel of record:

Attorneys for Plaintiff Arcon GC, LLC:

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Dated this 14th day of August, 2024.

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